

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO. 4447 OF 2005
IN
FIRST APPEAL NO. 942 OF 1996

Office Notes, Office Memoranda
of of Coram, appearances, Court's
orders and Registrar's orders : Court's or Judge's orders

Mr. P.B. Shah for the applicants.

Ms. Gauri Godse for the respondents.

CORAM: P.V. KAKADE, J.

DATED: 10TH OCT., 2005

P.C.:

1. Heard learned counsel for both parties.

2. The application is filed on behalf of the applicants to seek stay of the order of the lower Court. By order dated 22.1.2001, the applicants/appellants were directed to deposit the amount as per the decree within eight weeks and were further directed to go on depositing in future also and the order was conditional stating that if the deposit is not made, then the interim order shall stand effected without reference to the Court.

3. The learned counsel for the applicants submits that the appellant No.1 has

continued to deposit the amount but the appellant No.2 inadvertently committed lapse in such deposit after 2003 and, therefore, conditional order has become operative and hence seeks indulgence.

4. In view of the facts and circumstances, the appellant No.2 is directed to deposit the entire amount within four weeks and further directed to continue to deposit the amount in future pending the appeal. The conditional order which has become operative is kept at abeyance on condition that the appellant No.2 shall pay the amount of Rs.3000/- as donation to the State Legal Aid Authority within four weeks from today. Application is, therefore, made absolute with this direction in terms of prayer clause (a) and stands disposed of.

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